

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION,

Plaintiff,

v.

D.E., individually and on behalf of A.H.D.
and A.D.,

Defendant.

CIVIL ACTION

No. 17-4433

DARLINE E., individually and on behalf of
Az.D. and Am.D.,

Plaintiff,

v.

PEDRO RIVERA, in his official capacity as
Secretary of Education for the
Commonwealth of Pennsylvania Department
of Education, and COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
EDUCATION,

Defendants.

ORDER

AND NOW, this 5th day of April, 2019, upon consideration of Plaintiff Commonwealth of Pennsylvania Department of Education's ("PDE") Motion for Summary Judgment, Defendant D.E.'s ("Parent") Motion for Judgment on the Administrative Record, and all of the responses and replies to the respective motions, it is hereby **ORDERED** that:

1. PDE's Motion for Summary Judgment (Doc. No. 39) is **DENIED**;

2. Parent's Motion for Judgment on the Administrative Record (Doc. No. 38) is **GRANTED** to the extent it is consistent with the modification of the Hearing Officer's July 6, 2017 Orders;
3. the Court **AFFIRMS** the administrative decisions made by the Hearing Officer in the July 6, 2017 Orders;
4. within 30 days of the entry of this Order, PDE is **DIRECTED** to pay the amount of \$25,007.30 to the Y.A.L.E. School; and
5. Parent may submit a motion for attorney's fees and costs within 21 days of this Order.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE